



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,903	10/21/2003	Adam J. Weissman	53051/288072	3982

40400 7590 06/15/2006

PATENT DEPARTMENT - 53051
KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM, NC 27101

EXAMINER

ROSE, HELENE ROBERTA

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Dr. A. H. C. Clark

William J. Weiss, III

Office Action Summary	Application No. 10/689,903	Applicant(s) WEISSMAN ET AL.	
	Examiner Helene Rose	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/21/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/13/06 & 5/3/05 & 11/26/04</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1-35 have been presented for examination.
2. Claims 1-35 have been rejected.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 11/26/04, 5/3/2005 and 5/13/2006; accordingly, the examiner is considering the information disclosure statement.

Specification

4. The abstract of the disclosure is objected to because it is missing the title of the invention. Correction is required. See MPEP § 608.01(b).

Claim Rejections – 35 U.S.C – 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1- 35 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility; the following claims does not produce a specific, nor substantial useful result. In regards to this matter please see (MPEP § 2107 and Fisher, 421 F.3d at __, 76 USPQ2d, wherein it cites the Utility Guidelines with the approval for interpretation of "specific" and substantial").

In addition to the above matter, claim 14, the applicant discloses a computer readable medium for receiving the method disclosed in claims 1 and 3, but does not defined wherein accessing, identifying, and determining utilizing a program code, is disclosed on a practical utility.

According to the Revised Guidelines, which states that "a claim limited to a machine or manufacture", which has a practical application, is considered to be a practical utility.

Examiner notes: In order to overcome this rejection, applicant must include a final result of the present invention that will convey a concrete, useful, and practical utility as it relates to the claimed invention.

Claim Rejections – 35 U.S.C – 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Chipalkatti et al (US Patent No. 6,484,161, Filing Date of Patent: March 31, 1999).

Claims 1, 14 and 28:

Claims 1, 14 and 28 disclose a method/computer readable medium utilizing the same functionality, wherein Chipalkatti discloses a method/computer readable medium, comprising:

accessing a source article (column 5, lines 58-61, Chipalkatti);

identifying a plurality of regions in the source article (column 5, lines 58-67, Chipalkatti);

determining at least one local concept associated with each region (column 40, lines 56-63);

analyzing the local concepts of each region to identify any unrelated regions (column 34, lines 43-57, Chipalkatti);

eliminating the local concepts associated with any unrelated regions to determine relevant concepts (column 35, lines 1-10);

analyzing the relevant concepts to determine a source meaning for the source article (column 35, lines 25-37, Chipalkatti); and

matching the source meaning with an item meaning associated with an item from a set of items (column 37, lines 2-19, Chipalkatti).

Claims 2, 15 and 29:

Regarding claims 2, 15 and 29, Chipalkatti teaches displaying the matched item on the source article (Figure 44, all features).

Claims 3, 16 and 32:

Regarding claims 3, 16 and 32, Chipalkatti teaches wherein the source article is a web page and the matched item is a keyword (Figure 11, all features).

Claims 4, 17 and 31:

Regarding claims 4, 17 and 31, Chipalkatti teaches wherein the source article is a web page and the matched item is an advertisement (Figure 15, all features, wherein its further defined in column 10, lines 32-37, Chipalkatti).

Claims 5 and 18:

Regarding claims 5 and 18, Chipalkatti teaches displaying content associated with the matched item on the source article (column 10, lines 53-57, Chipalkatti).

Claims 6, 19 and 35:

Regarding claims 6, 19 and 35, Chipalkatti teaches wherein the source article is a web page, the matched item is a keyword and the associated content is an advertisement (Figure 39, all features, wherein its further defined in columns 32-33, lines 45-67 and lines 12-17, Chipalkatti).

Claims 7 and 20:

Regarding claims 7 and 20, Chipalkatti teaches wherein the source article is a first web page, the matched item is a second web page and the associated content is an advertisement (column 37, lines 3-16, Chipalkatti).

Art Unit: 2163

Claims 8 and 21:

Regarding claims 8 and 21, Chipalkatti teaches wherein the source article is a first web page, the matched item is a second web page and the associated content is a link to the second web page Figures 14 and 15, all features, wherein shoes –custom made, i.e. diagram 1862 is selected in first page and wherein Figure 15, equivalent to second web page, wherein listing are illustrated).

Claims 9 and 22:

Regarding claims 9 and 22, Chipalkatti teaches wherein matching the source meaning with an item meaning comprises using biasing factors (columns 26-27, lines 65-67 and lines 1-17, Chipalkatti).

Claims 10 and 23:

Regarding claims 10 and 23, Chipalkatti teaches the source meaning is a vector of weighted concepts (column 25, lines 1-7, wherein the weight is define within table and column 34, lines 19-28).

Claims 11 and 25:

Regarding claims 11 and 25, Chipalkatti teaches wherein determining at least one local concept comprises determining a score for each local concept, wherein the local concept in each region with the highest scores are most relevant local concepts (column 30, lines 8-16, Chipalkatti).

Claims 12 and 26:

Regarding claims 12 and 26, Chipalkatti teaches wherein identifying unrelated regions comprises determining a revised score for each local concept (columns 40-41, lines 64-67 and lines 1-17, Chipalkatti), determining a ranked global list of all local concepts based on the revised scores (column 26, lines 50-52), removing local concepts whose combined revised score

Art Unit: 2163

contributes less than a predetermined amount of a total score for the global list to produce a resulting list (Figure 4, diagram 834, wherein its further defined in column 7, lines 1-11, Chipalkatti), determining unrelated regions with no most relevant local concepts on the resulting list (REFER to claim 1, wherein this limitation has already been addressed, Chipalkatti), and removing local concepts associated with the unrelated regions from the resulting list to produce a list of relevant concepts (REFER to claim 1, wherein this limitation has already been addressed, Chipalkatti).

Claims 13 and 27:

Regarding claims 13 and 27, Chipalkatti teaches wherein determining a source meaning comprises normalizing the revised scores for the relevant concepts (Figure 25, diagram 900, wherein normalized data is illustrated and further defined in column 13, lines 57-60 and columns 40-41, lines 64-67 and lines 1-17, Chipalkatti).

Claim 24:

Regarding claim 24, Chipalkatti teaches wherein program code for analyzing the relevant local concepts comprises program code for ranking the relevant local concepts (column 26, lines 50-52 and column 49, lines 50-52, wherein program code is defined to be JAVA, Chipalkatti).

Claims 30 and 34:

Regarding claims 30 and 34, Chipalkatti teaches wherein the first item is displayed in the first content region and the second item is displayed in the second content region (column 24, lines 31-47, wherein the first request results in a query and the second request results in a query, wherein the second request is performed quickly by using the data query cache information and searching for a subset of the cached data indicated the restaurants, Chipalkatti).

Claim 33:

Regarding claim 33, Chipalkatti teaches displaying first content associated with the first item and displaying second content associated with the second item on the source article

Art Unit: 2163

(Figures 11 and 12, all features, wherein the first item is interpreted to be restaurants associated with items listed within Figure 12 in which its is linked to the source article, i.e. next web page which displays all the eatery places, Chipalkatti)

Prior Art of Record

1. Chipalkatti et al (US Patent No. 6484,161) discloses a system for performing online data queries.
2. Wesinger, Jr. et al. (US Patent No. 6,324,538) discloses computer network and a database are used to provide a hardware-independent, dynamic information system in which the information content is entirely user-controlled.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helene Rose
Technology Center 2100

Art Unit: 2163

June 8, 2006

A handwritten signature in black ink, appearing to read "Don Wong", with a stylized, cursive script.

DONWONG
SUPERVISORY PATENT EXAMINER